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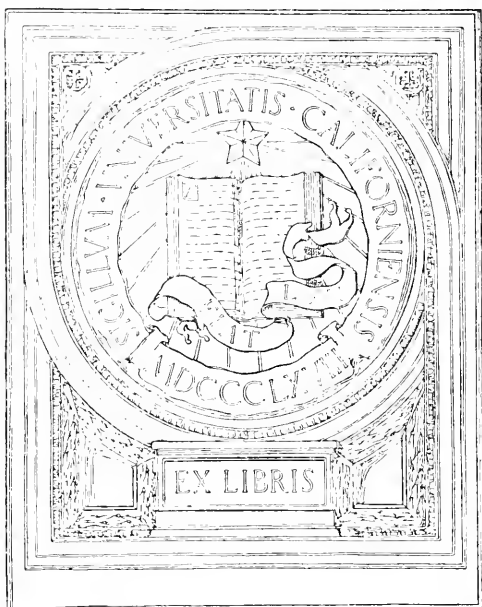
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A Scroll of the Law Supposed  
to have been Written by  
Maimonides

By  
S. Reubin

UNIVERSITY OF CALIFORNIA  
AT LOS ANGELES



ROBERT ERNEST COWAN

ספר תורה

כתוב ביד

רבי משה בן מיימון הספרדי

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A SCROLL OF THE LAW

SUPPOSED TO HAVE BEEN WRITTEN BY

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EXPLANATIONS BY

DR. S. ROUBIN.

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YEAR 1881

April 30th 1894

G. I. Raulis

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## PREFATORY.

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IT may not be amiss to call the attention of all, to whom this pamphlet is sent, to the foundation of the great Sutro Library.

It is one of the largest collections of scientific and technical works, a veritable monument, in which all the labor of the human mind since the earliest centuries up to this date, is centered. The owner, Adolph Sutro, Esq. intends to place this collection into a fire-proof building on one of the most beautiful and attractive sites of the city, near Golden Gate Park, and bequeath it with his blessing to posterity.

In 1881, after many years of arduous labor on the Comstock lode, Nevada, Mr. Sutro felt at liberty to gratify his long projected plan of visiting the Orient. He made a very extended tour around the world, visiting China, Japan, India, Palestine and Europe. To gratify another projected scheme, that of establishing in San Francisco a free reference library of scientific and technical literature, he collected while travelling, all books, documents and curiosities worthy of consideration, and being himself a man of high education and of taste, his selections were intelligently made.

In December 1881, at various auction sales, amongst them that of the great Sunderland library owned by the late Duke of Marlborough, Mr. Sutro bought several thousand volumes, and about 25 000 pamphlets and broadsides relating to the war between Charles I and the Parliament. This collection, extending through the Cromwelian period to the landing of the Prince of Orange, may be considered unique in the United States. Mr. Sutro also bought largely at the sale of the library of the Duke of Hamilton.

In Germany he made several large and important purchases ; about 13,000 volumes from the Royal Bavarian library in Munich ; 9,000 volumes from the Carthusian Monastery in Buxheim, and 6,000 volumes from the library of the Duke of Dahlberg, Augsburg. During his stay in Europe on this occasion, about 100,000 volumes were secured. Between this and his next visit to Europe in 1889, over 75,000 volumes were purchased through an agent in London.

In March, 1889, Mr. Sutro again started for Europe, via Mexico, and in the City of Mexico made a purchase of about 13,000 volumes. On the day after his arrival in London, on this occasion, he attended a sale of books and bought several thousand volumes from the library of the late Frederick Perkins of Chipstead place, Kent. This purchase was largely drama and the fine arts. Since his return from this second trip, several purchases of whole catalogues have been made, among the latter the library of the late Rev. S. M. Schiller Szinessy, Reader of Talmudic literature in the university of Cambridge, England, and also of the library of the late Rev. G. Wells, Secretary of the Society of Industrial Chemistry of England. The military library of San Francisco has also been purchased.

The Sutro Library has now about 200,000 volumes, amongst them books of the earliest editions, old MSS. in many languages some illuminated, besides a great number of antiquities in the line of numismatics, Egyptology, &c. Relics from different parts of the world are stored up by Mr. Sutro on the far western coast.

## INTRODUCTORY REMARKS.

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AMONGST the many valuable MSS. possessed by the Sutro Library of San Francisco, Cal., United States of America, there are many scrolls upon which the Pentateuch is inscribed, which are of undoubted antiquity. One of these scrolls is supposed to be the one mentioned by Maimonides in his codex (משנה תורה הלכות ספר תורה פ' ט סימן י"א) as having been written by himself.

In the following lines I venture to express my opinion regarding the authenticity of this scroll, emphasizing however that I am submitting nothing that exceeds the barrier of a theory, and that I have no convictions in the matter that cannot be modified by the riper knowledge of European Archæologists.

### I.

In the quoted passage from the Mishne Torah, Maimonides speaks as follows:

ספר תורה שכתבתי אני רוחב כל דף ודף מדפיו ארבע אצבעות ושירת הים ושירת האזינו רוחב כל דף משתיהן ששה אצבעות ומנין השיטין שבכל דף ודף אחת וחמישים. ומנין הדפין שלכל הספר מאתים וישישה ועשרים דף. ואורך כל הספר אלף ושלש מאות וישישים וישישה אצבעות בקירוב: אלו הישש אצבעות היתרות בחשבון לגליון שבתחלת הספר וסופו. והעורות שכתבנו בהם עורות אילים.

“The scroll of the Law which I myself have written contains 226 columns of 51 lines each; the width of each column is four fingers, (taking the Ezba as the width of the knuckle of the middle finger). The width of the columns on which the Song of the Sea and the Song of Warnings are written, is six fingers. The length of the whole scroll is 1366 fingers.

The remaining six fingers\*—after deducting the quantum of  $226 \times 6 + 2 \times 2$ —are for the marginal space at the beginning and the end of the scroll. The hides on which the scroll is written are buckskins.

The Sutor Scroll in question corresponds in every detail with these ritual suggestions.

## II.

### PECULIARITIES.

The correspondence of the arrangements of the columns alone would not be sufficient ground whereupon to base a theory of the genuineness of the scroll, if there were not also some peculiarities in the mode of writing and shape of the letters and certain derogations from the usual ritualistic laws controlling the writing of a scroll for the use of the Synagogue. Maimonides wrote a scroll for the purpose of serving as a sample to other scribes and to illustrate the twenty rules laid down by him. See הלכות ס' ת פ' עשירי.

All the usual embellishments introduced by the scribes למצוה מן המובחר are left out in the scroll before us, for instance: the crowns (תנין) are altogether omitted; the margins between the columns are not always exactly two fingers wide; neither majusculæ nor minusculæ are to be found.

The תשי of יור (Leviticus I: 1); the ויקרא of אלף (Deutoronomy XXXII: 18) and others, are not smaller than the other letters, nor are the גחון of וי (Leviticus XI: 42) and the יגדל of יור (Numbers XIV: 18) bigger. The above mentioned twenty rules are strictly observed and no other rule is recognized.

In a great many places there are to be found, on the right hand margins, three points of the shape of a tonic segolta (··). A close examination convinced me that they indicate the seven subdivisions of the weekly sections סדרים. These

\*See הגדות מייכונית l. c. where there is a just objection to these dimensions. The glossarist finds only 4 fingers remaining, (after my calculation I find 10 fingers for there can only be accounted for 225 columns).

differ widely from the usual subdivisions—I found the same order of division in many old MSS. of the Pentateuch (*possessed by the Sutor Library*) which bear the mark of the ritual of the Arabian Jews who followed the codex of Maimonides, and in which MSS. the פתוחות וסתומות are also regulated after Maimonides's system. From the glosses to one of those MSS. which appears to be a copy of the Sutor scroll (*see* ch. VI.) is to be learned that there are three kinds of subdivisions of the weekly sections regulated respectively by Ezra, the Gaonim and Maimonides, and at some future time I intend to publish the characteristic differences between them.

It is obvious to me that those points have been put there by the same hand and are written with the same ink as the rest of the MS. Those points may be considered as very strong presumptive evidence establishing the integrity of the whole as being written by Maimonides, for no one else would have allowed himself the liberty of putting points in a scroll destined for ritual use. The purpose he had in view with this notation is obvious. Every scholar in studying the Codex might, at first sight, wonder at the forgetfulness of the teacher to indicate the subdivisions of the weekly sections סדרים. He who has to control and note every ritualistic rule should not have omitted such an important suggestion. We might infer from this fact that the scroll in question belongs in point of fact to the original manuscript of the מִשְׁנֵה תוֹרָה and is an intrinsic part thereof.

### III.

#### SHAPE OF THE LETTERS.

The letters are of peculiar form; the פא has no tongue entering out of the כ but a small line coming down from the head; the צדי and זיין are similar to those met with in older MSS. coming from the Orient. The פא, נים and קוף are strikingly similar to those met with in the famous letter recognized to be the genuine manuscript of Maimonides, a fac-

simile of which is given in the Ginze Oxford by M. H. Bresslau. The וי is sometimes shapeless; the למד is formed of a רי"ט with a יור on the top. There are פא's which are לפנות and חית's which are עקומות. (Those פא's and חית's are also noted in many MSS. of the Pentateuch [possessed by the Sutor Library] which are copies of this scroll and seem to have been written as samples for scribes and to preserve the maimonidian version.)

The hand of the unskilled and unprofessional scribe is conspicuous everywhere in this scroll. The lines are not evenly parallel, nor are the letters regularly vertical. The work shows rapid execution, as if the writer cared more for illustration of points than for calligraphic beauty and neatness.

#### IV.

##### DIMENSIONS OF THE SCROLL.

The scroll has a height of 22 inches; each column is 15 to 16 inches high and 5 inches in width—the spaces included—the length of the whole is 1090 inches; the height is exactly equal to the circumference.

Three fingers width are left as margin at the end. A piece of skin is attached and stitched to it for the use of the roller; this is in accordance with Maimonides's indication about the margins.

The color of the hides is like that of papyrus, or similar to the binding of a book in fair calf after fifty years wear and exposure. The hides are stiff and brittle.

#### V.

##### SECTIONES פתוחות וסתומות

The sections respectively bear the marks of the system of Maimonides. One of the sections embarrassed the glossarists כסף משנה and הגהות מיימוניות namely that of *Leviticus* VII. 22. The יד החזקה הלכות ס"ת פ' שמיני says:

וידבר דזה קרבן. וידבר דדבר אל אהרן. וזאת תורת האשם וזאת תורת זבח. וידבר דדבר אל בני ישראל המקריב, וידבר דקח כולן פתוחות והן שש.

Both glossarists agree that there must be an omission of **וידבר רכל חלב** and an error, that instead of **והן שש** there ought to be **והן שבע**. In an old **יד החזקה** printed in Constantinople on parchment in the year 1509—there occur in deed the words **והן שבע**. But as in the scroll under discussion and in many MSS. which bear the marks of the system of Maimonides as far as the **פתוחות וסתומות** are concerned. **וידבר רכל חלב** is only noted as a **פתוחה**, I looked for an explanation of this curious discrepancy in six old MSS. of the **יד החזקה** written respectively in the years 1373, 1386, 1390 (*possessed also by the Sutor Library*); and in them I found neither **וידבר רכל חלב** nor **וידבר רהמקריב** but merely **וידבר רדבר אל בני ישראל** by which is meant the 22d verse, and also the words **והן שש**. It is evident therefore that there is an error in all the printed editions of the **יד החזקה**. (*See מנחת שי*.)

The Song of **האזינו** is in this scroll condensed into 67 lines instead of written in 70 as it is ordered in the **יד החזקה**. This derogation puzzled me very much, the more so, because I found in the old MSS. of the Pentateuch mentioned above, also only 67 lines. (*See מנחת שי*.)

I found a solution in the already quoted old MSS. of the **יד החזקה** where the following words **ובתבין שירת** **והאזין ביטבע וששים שיטות** are to be found, and really all the initial words given in illustration correspond exactly with those of the scroll and of the MSS. In the old printed Constantinople parchment is also given **יטבעים** yet there is a restriction by the glossarist (**הגהות מיימונית פ' ט'**) **ושירת האזינו רחב כל דף וכו' גמגום קא הוינא הבא כי כתבנו לעי' ששירת האזינו כותבין ביטבע וששים שיטות**:  
We see therefore conclusively from these two facts that the printed codices vary materially from the MSS.

VI.

SCRIPTIO PLENA ET DEFECTIVA מלא וחסר.

I examined all the words which are under massoretic discussion, with regard to their spelling full or defective, by the oriental and the occidental schools on the one hand, and by the Hilelian and the Jerusalemite versions on the other hand, and I found that this scroll gives credit to the Jerusalemite version, except when the Hilelian is seconded by the best authorities.

I noticed furthermore a very remarkable thing. One of the MSS. (possessed by the Sutor Library) of the Pentateuch with both **מסורה** (*magna et parva*) written in zigzag shape on the margins, corresponds exactly with this scroll with regard to plena et defeftiva, **פתוחות וסתומות**, subdivisions of the weekly sections; **חית עקומות פא לפופות**; and finally to the initials and ultimates of the columns, *i. e.* those words which are either the initials or the ultimates of the columns in the scroll are also respectively the same in the MS. But as the scroll has 51 lines to the column and the MS. has only 20 to the column, the writer of the MS. has condensed the contents of the 51 lines of the scroll into 50, so that the 11th line of every third page is the first line of every second column of the scroll; and the first line of every sixth page is the first line of every third column of the scroll.

It might be deduced from this remarkable coincidence that the MS. is a true copy of the scroll.

The MS. appears to be very old, and has been restored several times, once recently in the orient, as the scraps of paper with which it has been mended look new, and some bear an Arabic manufacturer's stamp. It is so carefully mended that even wherever a letter appears to be damaged there is to be found the substitution of the whole word, either between the words or on the margin. From this fact it may be supposed that the possessor of the MS. attached a great value to it knowing its great importance. The MS. is gramatically and massoretically the most carefully execu-

ted piece of work, there is not a point omitted ; the רבות are marked by a line on the top.

It contains also, as a preface, a treatise on the orthography of the Hebrew language; and on the טעמים: all the marked differences between Ben Asher's and Ben Naphtaly's versions; all the words which are קרי ולא and כתיב ולא: the number of the letters of the Pentateuch in an alphabetical form after R. Saadia; finally all the words which have an אתנה וסוף פסוק with פתח.\*

Unfortunately there is neither name of writer nor date to be found.

In that same MS. in *Exodus* XXV, are quoted two passages of the משנה תורה referring to the lamp of the tabernacle,

(ספר עבודה ה' בית הבחירה פא' מ' יח' ופג' מ' טו')

This quotation of the second passage (פ'ג' מ' טו') differs with the printed יד החזקה in regard to the spelling of a word, thar of כרתים which means, after רש"י in מנחות כח': the name of a place, whereas in the MS. is written ברותים as it is in מנחות סג. and in the ערוך (ערך תפוח) and in two MSS. of the משנה תורה which signifies cypress, the name of a tree-

I found afterwards four more MSS. of the Pentateuch which are also copies of the Maimonides scroll. All these MSS. are noting every peculiarity of the scroll, even when a letter is of an unusual shape.

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\*Many reasons induce me to suppose that this treatise had for author Abou-l-Walid, Mervan Ibn Janah and has been probably translated by Ibn Esra. There is twice quoted the name of a book חקירה (probably הרקה by Chiug.) It is an opusculum of 52 pages in 4o. The Suto library is in possession of three of this treatises, each attached to a MS. of the Pentateuch. The same Massorah is attached to these MSS. and seem to have had for author the same as that of the treatise.

To one of those MSS. is attached one more opusculum in Arabic treating נקוד וטעמים (probably by Jehuda Chiug), we have also three copies of the latter. It is an opusculum of 17 pages in 4o.

## VII.

### CONDITION OF THE SCROLL.

The first nine columns are missing altogether, until Genesis X: 18.

Four columns containing Genesis, from XXXV: 27 to XXXIX: 10, are completed by a later writer, who essays a faithful imitation of the original; these are written on a hide of red tanned leather (מֵאֲדָמִים). Seven columns containing Genesis, from XLI: 57 to XLVII: 16, are completed by a comparatively recent hand, the writing being very nice, markedly different from the original, on two fresh hides of red tanned leather. (I discovered this section in a segregated condition, and no casual looker at it would have assumed that it represents a substitution for the missing section of the original scroll).

Fifteen columns containing Exodus, from VIII: 16 to XXI: 26, are completed in a very old hand entirely similar to the original, and even the section points mentioned above are not omitted. The color of the hides on which those 15 columns are written are somewhat different from the original—a little brighter. From the seams it can be judged that the original 15 columns must have been in a very bad condition, so that they needed restoration in order to preserve such a document.

Two columns containing Exodus, from XXXIV: 23 to XXXVI: 3, are also completed by another writer on red tanned leather, and spaced in between the first and fourth columns of one hide; \* the writing differs from the original.

After a careful examination I have come to the conclusion that the four restorations have taken place at four different times very distant from each other, and probably by people who knew the real value of the document.

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\*Such a kind of restoration makes the scroll to be excluded from the service of the Synagogue, it is to be inferred from this fact that the restorations was more intended for the preservation of the scroll than for using it in the Synagogue.

# VIII.

## HISTORY OF THE SCROLL.

The scroll belongs to a collection of antiquities once owned by Shapiro, who some years ago obtained considerable notoriety for having tried to sell a supposed rare document of the ten commandments to the museums of Europe for a very high price, and who afterwards committed suicide after failing in his attempt, when the document had been denounced as a fraud by the best experts. Mr. Adolph Sutro, while in Jerusalem in the year 1884, casually learned from the German consul at that place, that Shapiro had hypothecated his antiquities with two bankers and that the latter were eager to dispose of them, as Shapiro was then dead. Mr. Sutro accordingly became the purchaser of about 150 MSS, most of which are valuable relics from the Orient. The collection consists mainly of 31 Pentateuchs with Arabic and Chaldaic translations, some with **רש"י**'s and other commentaries and **מסורת**; 24 volumes of **משנה תורה** some with Arabic commentaries; 9 **סדרים** with poems by Jehuda Halevy, Solomon ben Gabirol, Ibn Ezra and others; 25 different copies of the **מדרש הגדול** a work very little known in the Jewish literary world, never printed, but now being edited, I believe by Mr. Schechter, and many others. (A catalogue of these various MSS. will shortly be published).

I question whether Shapiro knew the real value of the scroll he possessed, if so, he would undoubtedly have spoken of the matter to some of the archæologists of Europe.

# IX.

## CONCLUDING REMARKS.

All the statements I have entered here are the results of a close examination. Many eminent Hebrew scholars of San Francisco corroborated them in a meeting called for that purpose on February the 26th of the present year. They remain only to be verified by some of the renowned arch-

æologists of Europe and America. For that purpose this pamphlet, with a fac-simile of three columns, of about nine tenths of the full size, is forwarded to the leading librarians and archaeologists, and is at the service of every person who is acquainted with such matters.

All are kindly requested to give in their opinion as to the value of the scroll, as no scholar in San Francisco, including the writer of this pamphlet, has deemed it right to express a final and conclusive opinion, without availing themselves of the wider knowledge and broader experience of eminent experts.



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